

mascottoesq@gmail.com

From: Enright, John (USANYE) <John.Enright@usdoj.gov>
Sent: Saturday, February 11, 2023 5:55 PM
To: mascottoesq@gmail.com; Lax, Jonathan (USANYE)
Subject: RE: [EXTERNAL] USA v Nerayoff

Mike:

Thanks again for speaking yesterday, and it's not a problem to discuss over the weekend. As to your first request, we're not going to confirm whether any such emails or texts exist given that any request for such information far exceeds the government's Rule 16 obligations. We are thus not obligated to produce any such information, and Marc's letter does not set forth any valid basis explaining why your client would be entitled to that information. To the extent any such information is Giglio or 3500 material, we will provide it at the appropriate time per any schedule set by the Court in advance of trial. As for your second and third requests, they too call for information exceeding the government's Rule 16 obligations. Again, if any such information constitutes produceable Giglio or 3500 material, we will provide it as appropriate in advance of trial.

Finally, we will continue to abide by our obligations under Brady and its progeny.

Best,

John

John O. Enright
Assistant United States Attorney
United States Attorney's Office
Eastern District of New York
271-A Cadman Plaza East
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Office: 718-254-6203 | Cell: 917-789-2268
John.Enright@usdoj.gov

From: mascottoesq@gmail.com <mascottoesq@gmail.com>
Sent: Saturday, February 11, 2023 1:18 PM
To: Enright, John (USANYE) <JEnright@usa.doj.gov>; Lax, Jonathan (USANYE) <JLax@usa.doj.gov>
Subject: RE: [EXTERNAL] USA v Nerayoff

Gentlemen:

I hate to bother you both over the weekend, but since I am going to be filing my motion on Monday and the issue of Hlady and Special Agent Anderson's extensive contact will certainly be mentioned I want to be absolutely certain that the information I am going to include in my papers is accurate.

While I understand that it is your intention to provide a written reply via email to the two pending requests I wanted to make sure that my understanding as to the following three items are accurate:

Can you please be so kind as to confirm the following:

- 1) There are no emails and/or text messages between Anderson and Hlady in the possession of the United States (Agnifilo 7-18-22 request 3).
- 2) The FBI has neither created nor maintains/ed a file concerning Hlady and his status as an informant, information source or cooperator (Agnifilo 7-18-22 request 7).
- 3) There are no reports or notes relating to information that Hlady provided to Anderson or any other agent, employee etc of the United States (to include those text messages and telephone calls Anderson and Hlady engaged in) (Agnifilo 7-18-22 request 1).

Again, while I do indeed regret having to bother you over the weekend, given the nature of these requests I want to make sure that I am not misunderstanding our telephone conversation and that the information provided to the Court in Monday's filing is absolutely accurate.

Thanks,
Mike

From: mascottoesq@gmail.com <mascottoesq@gmail.com>
Sent: Friday, February 10, 2023 6:56 PM
To: 'Enright, John (USANYE)' <John.Enright@usdoj.gov>; 'Lax, Jonathan (USANYE)' <Jonathan.Lax@usdoj.gov>
Subject: RE: [EXTERNAL] USA v Nerayoff

John thanks for the call. Just so I'm clear, there are no text messages between Hlady and S/A Jordan Anderson of the FBI in the possession of the government?

From: Enright, John (USANYE) <John.Enright@usdoj.gov>
Sent: Thursday, February 9, 2023 7:54 PM
To: mascottoesq@gmail.com; Lax, Jonathan (USANYE) <Jonathan.Lax@usdoj.gov>
Subject: RE: [EXTERNAL] USA v Nerayoff

Sounds good. Talk to you tomorrow.

From: mascottoesq@gmail.com <mascottoesq@gmail.com>
Sent: Thursday, February 9, 2023 7:53 PM
To: Enright, John (USANYE) <JEnright@usa.doj.gov>; Lax, Jonathan (USANYE) <JLax@usa.doj.gov>
Subject: RE: [EXTERNAL] USA v Nerayoff

Ok then it shouldn't be hard to connect with you! I will try you as soon as I can after my court appearance.

From: Enright, John (USANYE) <John.Enright@usdoj.gov>
Sent: Thursday, February 9, 2023 7:51 PM
To: mascottoesq@gmail.com; Lax, Jonathan (USANYE) <Jonathan.Lax@usdoj.gov>
Subject: RE: [EXTERNAL] USA v Nerayoff

I'm free all evening, so whatever works. My cell is best: 917-789-2268.

From: mascottoesq@gmail.com <mascottoesq@gmail.com>
Sent: Thursday, February 9, 2023 7:49 PM

To: Enright, John (USANYE) <JEnright@usa.doj.gov>; Lax, Jonathan (USANYE) <JLax@usa.doj.gov>

Subject: RE: [EXTERNAL] USA v Nerayoff

How late tomorrow can we speak and what is the best way to reach you?

From: Enright, John (USANYE) <John.Enright@usdoj.gov>

Sent: Thursday, February 9, 2023 7:48 PM

To: mascottoesq@gmail.com; Lax, Jonathan (USANYE) <Jonathan.Lax@usdoj.gov>

Subject: RE: [EXTERNAL] USA v Nerayoff

I should be good b/w 12 and 1 and after 2:30, if either of those windows works.

From: mascottoesq@gmail.com <mascottoesq@gmail.com>

Sent: Thursday, February 9, 2023 7:42 PM

To: Enright, John (USANYE) <JEnright@usa.doj.gov>; Lax, Jonathan (USANYE) <JLax@usa.doj.gov>

Subject: RE: [EXTERNAL] USA v Nerayoff

What time were you thinking? I have an afternoon court appearance.

From: Enright, John (USANYE) <John.Enright@usdoj.gov>

Sent: Thursday, February 9, 2023 7:41 PM

To: mascottoesq@gmail.com; Lax, Jonathan (USANYE) <Jonathan.Lax@usdoj.gov>

Subject: RE: [EXTERNAL] USA v Nerayoff

Mike: We've been reviewing these requests. Do you have a few minutes tomorrow afternoon to touch base? Thanks. – John

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From: mascottoesq@gmail.com <mascottoesq@gmail.com>

Sent: Monday, February 6, 2023 10:08 AM

To: Lax, Jonathan (USANYE) <JLax@usa.doj.gov>

Cc: Enright, John (USANYE) <JEnright@usa.doj.gov>

Subject: RE: [EXTERNAL] USA v Nerayoff

Jon and John,

Would you be able to give me an answer as to the two document requests that we've made?

As we must submit our motion no later than next Monday, February 13 would you be so kind as to let me know your Office's position sometime before the end of the week.

Thanks,
Mike

From: Lax, Jonathan (USANYE) <Jonathan.Lax@usdoj.gov>
Sent: Monday, January 23, 2023 11:00 AM
To: mascottoesq@gmail.com
Cc: Enright, John (USANYE) <John.Enright@usdoj.gov>
Subject: RE: [EXTERNAL] USA v Nerayoff

Hi Mike:

We are generally fine with this approach. But before we agree to the schedule, can you give us a sense of the type of motions that you expect to file? We assume these are pre-trial/Rule 12-type motions, and not, for example, motions in limine. Just want to confirm we are talking about the same thing.

In the meantime, we'll look at the prior letter and the new one.

- Jon

From: mascottoesq@gmail.com <mascottoesq@gmail.com>
Sent: Monday, January 23, 2023 6:47 AM
To: Lax, Jonathan (USANYE) <JLax@usa.doj.gov>; Enright, John (USANYE) <JEnright@usa.doj.gov>
Subject: [EXTERNAL] USA v Nerayoff

Dear Jon and John,

Conferred with Dave via email and understand that the team is going to be moving forward.

At this point, we'd ask that you respond to Marc's July 18, 2022 request for discovery and an additional request dated today (both attached) and that we set a schedule for defense motions. We'd like to file our motions by February 13th.

How does Defense Motions: 2/13, Government Response: 3/6, Defense reply 3/13 look?

If you are agreeable perhaps it makes sense to write to the Court to advise that we are at an impasse, advise we have agreed to a motion schedule and ask the Court to adjourn the matter for some time after the motions are fully briefed?

Please let me know your thoughts,
Thanks,
Mike

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